

JOHN GROSSETTE #50320
 Name
P.O. DRAWER 250
GRANTS NM 87020-0250
 Address

FILED
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO

JUL 09 2015

MATTHEW J. DYKMAN
~~CLERK~~

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW MEXICO

JOHN GROSSETTE, Plaintiff
 (Full Name)

CASE NO. 15cv 592 MV/SMV
 (To be supplied by the Clerk)

v.

WARDEN WILLIAMS, ET AL
 Defendant(s)

CIVIL RIGHTS COMPLAINT
 PURSUANT TO 42 U.S.C. §1983

A. JURISDICTION

1) JOHN GROSSETTE, is a citizen of NEW MEXICO
 (Plaintiff) (State)
 who presently resides at P.O. DRAWER 250, GRANTS NM 87020-0250
 (Mailing address or place of confinement)

2) Defendant WARDEN WILLIAMS is a citizen of
 (Name of first defendant)
SANTA ROSA, NEW MEXICO, and is employed as
 (City, State)
WARDEN AT G.C.C.F. under contract with NMCD. At the time the claim(s)
 (Position and title, if any)
 alleged in this complaint arose, was this defendant acting under color of state law?
 Yes ☒ No ☐ If your answer is "Yes", briefly explain:

THE STAFF UNDER THE WARDEN CONTROL VIOLATED THIS PLAINTIFFS
 CIVIL RIGHTS BY FIRST UNDER PREA OF 2003 THEN UNDER
 FOURTH AMENDMENT.

XE-2 2/78

CIVIL RIGHTS COMPLAINT (42 U.S.C. §1983)

- 3) Defendant N/A is a citizen of _____
 (Name of second defendant)
 _____, and is employed as _____
 (City, State)
 _____ At the time the claim(s)
 (Position and title, if any)
 alleged in this complaint arose, was this defendant acting under color of state.
 Yes ☐ No ☐ If your answer is "Yes", briefly explain:

N/A

(Use the back of this page to furnish the above information for additional defendants.)

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3), 42 U.S.C. §1983. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.)

THIS COURT HAS JURISDICTION IN THIS MATTER BEFORE THE COURT

B. NATURE OF THE CASE

- 1) Briefly state the background of your case.

THE INCIDENT HAPPENED ON OR ABOUT DECEMBER 30, 2012. THE STAFF VIOLATED THE PLAINTIFF'S CIVIL RIGHTS AND PREA OF 2003, BY ATTEMPTING TO RETRIEVE AN ALLEGED ITEM FROM THE PLAINTIFF'S AREA. THE SECURITY STAFF CONDUCTED THE ACTION WITHOUT ANY TYPE OF SEARCH WARRANT, AND WITHOUT ANY MEDICAL STAFF. THESE ACTIONS WERE UNDERTAKEN IN A MALICIOUSLY MANNER WHICH CLEARLY MEETS THE LETTER OF P.R.E.A. OF 2003. WHEN THE STAFF WERE CONDUCTING THIS UNLAWFUL SEARCH, THEY USED GLOVE AND UN-GLOVED HANDS, WHILE ATTEMPTING TO RAPE THIS PLAINTIFF, BY TRYING TO ENTER THE PLAINTIFF'S CAVITY UNWANTED AND UNLAWFUL.

THE PLAINTIFF REPORTED THIS PREA OF 2003 COMPLAINT STAFF WHILE AND UPON THE COMPLETION OF THE ACTION CONDUCTED BY SECURITY STAFF. THESE ACTIONS ARE RULE OF THUMB, OF WHICH THE WARDEN AND SECURITY STAFF AS A MATTER OF PRACTICE VIOLATE PRISONERS RIGHTS

XE- 2/7

C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I: THE STAFF AS FOLLOWS CO. J. LUCERO, LT GAUNA, LT RODGERS, AND UN-NAMED STAFF DID IN FACT ATTEMPT TO, WHICH IS A VIOLATION OF P.R.F.A. OF 2003 PENETRATE THE AVAL CAVITY WITHOUT A SEARCH WARRANT AND THRU THREATS OF PHYSICAL FORCE AND THREATS AGAINST FAMILY MEMBER

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

FOR THESE REASON, AT THE FILING OF THIS COMPLAINT, LISTED ABOVE, THE PLAINTIFF IS REQUESTING UNDER RULE 11, AND RULE 26 FOR FULL DISCLOSURE OF ALL DOCUMENTS UNDER THE CONTROL OF THE DEFENDANTS, BE ORDERED TO MAKE AVAILABLE IN A TIMELY MANNER.

B)(1) Count II:

- (2) Supporting Facts:

(2) Supporting Facts:

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?
Yes ☐ No ☒ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs: _____

Defendants: _____

b) Name of court and docket number:

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

d) Issues raised: _____

e) Approximate date of filing lawsuit: _____

f) Approximate date of disposition: _____

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☐ No ☐ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief: *THE PLAINTIFF REQUEST THE DEFENDANTS COME UNDER FEDERAL REVIEW, AND THE PARTIES (DEFENDANTS) BE ORDERED UPON COMPLETION OF TRIAL, TO MAKE THE FINANCIAL MEANS THE SUM OF \$1,000,000.00 U.S. MONEY.*

Signature of Attorney (if any)

John Gross

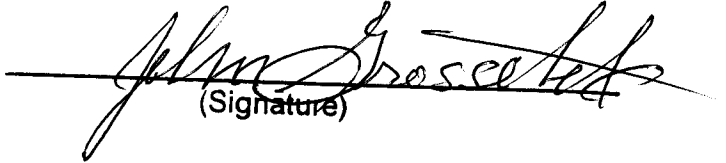
Signature of Petitioner

Attorney's full address and telephone number.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at _____ on _____ 20____.
(Location) (Date)


(Signature)

Magistrate Court
1633 Hist. Rt. 66
ta Rosa, NM 88435

RECEIVED
At Albuquerque NM

JUL 09 2015

MATTHEW J. DYKMAN
CLERK

United States District Court
Attn: Clerks Office
333 Lomas Blvd. NW
Albuquerque, NM 87102



John grossete
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clayton. N.M. 88415

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Santa Rosa, NM. 88435

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